

REMARKS

After entry of this amendment, claims 1-50, 52-57 and 59-61 will be pending. Applicants thank the Examiner for her indication that claims 39-45 are allowable as written and that claims 48, 51, 52, 55, 58 and 59 would be allowable if rewritten in independent format.

Applicants also thank the Examiner and her supervisor the courtesy extended to the Applicants' Attorneys during a recent interview.

The amendments to claims 1, 17, 22 and 33 will be discussed in more detail below. Support for the amendments can be found at page 2, line 22 of the specification. Independent claims 46 and 53 have been amended to incorporate allowable subject matter from claims 51 and 58, respectively. Consequently, claims 51 and 58 have been canceled and claims 52 and 59 have been amended to change their dependency to claims 46 and 53, respectively. Claim 46 has also been amended to remove subject matter, as discussed in more detail below. Furthermore, claim 46 has been amended to replace the term "oligomers" with "oligomer" because the phrase implied that multiple components were necessary when in fact multiple elements are optional. New independent claims 60 and 61 have been added to capture allowable subject matter from claims 48 and 55, respectively. No new matter has been added.

Formal Matters

The Examiner objected to claim 46 under 35 U.S.C. §132 as containing new matter. Applicants have removed the objectionable subject matter and respectfully request that this rejection be withdrawn.

Obviousness-Type Double Patenting Rejection

The Examiner provisionally rejected claims 1, 2, 5-9 and 14-16 under the judicially created doctrine of obviousness type double patenting over claims 1-4 of co-pending application 09/708,965 in view of U.S. Patent No. 6,183,901 to Ying et al. ("Ying"). Applicants acknowledge this rejection and will take further action under advisement when the other outstanding rejections in this application are withdrawn.

Rejection of claims 1, 3, 5-11, 14-17, 22-30, 33 and 34 under 35 U.S.C. §102(e)

The Examiner rejected claims 1, 3, 5-11, 14-17, 22-30, 33 and 34 under 35 U.S.C. §102(e) as anticipated by Ying. This rejection is respectfully traversed.

The claims have been amended to clarify that the plates in question are impermeable to gas. As acknowledged by the Examiner in the first office action (paragraph 10) and in the present office action (paragraphs 29 and 30), Ying discloses the use of a coating only on porous separator plates, i.e., plates that are gas permeable.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. See MPEP §2131. Since coatings on gas impermeable plates is not disclosed, taught or suggested in Ying, the rejection is unsupported by the art.

For at least this reason, independent claims 1, 17, 22 and 33 are allowable over the applied art. Claims 3, 5-11, 14-16, 23-30 and 34, which depend from these claims, are likewise allowable over the applied art. Applicants respectfully request that this rejection be withdrawn.

Rejection of claims 1, 9-13, 22 and 23 under 35 U.S.C. §102(e)

The Examiner rejected claims 1, 9-13, 22 and 23 under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,337,120 to Sasaki et al. ("Sasaki"). This rejection is traversed.

The claims have been amended to clarify that the plates in question are impermeable to gas. As acknowledged by the Examiner in the first office action (paragraph 12) and in the present office action (paragraph 31), Sasaki discloses the use of a coating only on porous carbon plates, i.e., plates that are gas permeable.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. See MPEP §2131. Since coatings on gas impermeable plates is not disclosed, taught or suggested in Sasaki, the rejection is unsupported by the art.

For at least this reason, independent claims 1 and 22 are allowable over the applied art. Claims 9-13 and 23, which depend from these claims, are likewise allowable over the applied art. Applicants respectfully request that this rejection be withdrawn.

Rejection of claims 46 and 47 under 35 U.S.C. §102(b)

The Examiner rejected claims 46, 47 and 49 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,128,387 to Shustack ("Shustack I"). This rejection is respectfully traversed.

Claim 46 has been amended to include an air release agent, which the Examiner indicated was allowable subject matter, and therefore not found in Shustack I. Thus, claim 46 and the claims dependent upon it, claims 47 and 49, are allowable over this reference. Likewise, claims 60 and 61 are not anticipated or made obvious by Shustack I. Applicants respectfully request that this rejection be withdrawn.

Rejection of claims 2-4, 6, 14, 17-21, 24, 25, 28-38 under 35 U.S.C. §103

The Examiner rejected claims 2-4, 6, 14, 17-21, 24, 25, 28-38 under 35 U.S.C. §103 as being obvious over Sasaki in view of U.S. Patent No. 5,667,227 to Boldt ("Boldt"). This rejection is respectfully traversed.

The problems with Sasaki discussed above with respect to the anticipation rejection apply with equal force to the present obviousness rejection.

Applicants agree that Sasaki does not disclose the use of screen printing or exposing a fuel cell plate to at least two different wavelengths of radiation. Boldt, however, does not fill all the gaps in Sasaki. As demonstrated above, Sasaki discloses the use of a gasket on a porous carbon plate. Combining Sasaki with Boldt will not produce the presently claimed invention. Using the materials disclosed in Boldt to make the gasket of Sasaki would still produce a gasket that is integral to a porous carbon separator. Boldt neither discloses nor suggests moving the gasket from the porous carbon separator to a gas impermeable plate.

Because Sasaki and Boldt do not teach or suggest each feature of the presently claimed invention, the Examiner fails to establish a prima facie case of obviousness. See MPEP §2143. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Rejection of claims 53, 54, 56 and 57 under 35 U.S.C. §103

The Examiner rejected claims 53, 54, 56 and 57 under 35 U.S.C. §103 as being obvious over U.S. Patent No. 5,128,391 to Shustack ("Shustack II"). This rejection is respectfully traversed.

Claim 53 has been amended to include an air release agent, which the Examiner indicated was allowable subject matter, and therefore not found in Shustack II. Thus, claim 53 and the claims dependent upon it, claims 54, 56 and 57, are allowable over this reference. Likewise, claims 60 and 61 are not anticipated or made obvious by Shustack II. Applicants respectfully request that this rejection be withdrawn.

Rejection of claims 53 and 54 under 35 U.S.C. §103

The Examiner rejected claims 53 and 54 under 35 U.S.C. §103 as being obvious over Shustack I. This rejection is respectfully traversed.

Claim 53 has been amended to include an air release agent, which the Examiner indicated was allowable subject matter, and therefore not found in Shustack I. Thus, claim 53 and the claim dependent upon it, claim 54, are allowable over this reference. Likewise, claims 60 and 61 are not anticipated or made obvious by Shustack I. Applicants respectfully request that this rejection be withdrawn.

Rejection of claims 49, 50, 56 and 57 under 35 U.S.C. §103

The Examiner rejected claims 53 and 54 under 35 U.S.C. §103 as being obvious over Shustack I in view of Shustack II. This rejection is respectfully traversed.

Claims 46 and 53 have been amended to include an air release agent, which the Examiner indicated was allowable subject matter, and therefore not found in Shustack I or in Shustack II. Thus, claims 46 and 53 and the claims dependent upon it, claims 49 and 50 and claims 56 and 57, respectively, are allowable over these references. Likewise, claims 60 and 61 are not anticipated or made obvious by Shustack I or Shustack II. Applicants respectfully request that this rejection be withdrawn.

CONCLUSION

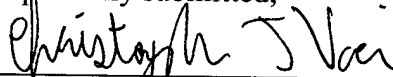
For at least these reasons, this application is now in condition for allowance. It is believed that any additional fees due with respect to this paper have already been identified in any transmittal accompanying this paper.

However, if any additional fees are required in connection with the filing of this paper that are not identified in any accompanying transmittal, permission is given to charge account number 18-0013 in the name of Rader, Fishman and Grauer PLLC.

If the Examiner has any questions or comments, she is kindly urged to call the undersigned to facilitate prosecution.

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Respectfully submitted,



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